

PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 11, 2005

SUBJECT:

PLANNING APPLICATION PA-04-48 191 EAST 23RD STREET

DATE:

MARCH 31, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

The applicant is proposing to construct a 5,370 square foot, two-story, maximum 16bed residential care facility for the elderly.

APPLICANT

James Sutherland is representing the property owner, Percy Torres.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

WENDY SHIH

Associate Planner

R. MICHAEL ROBINSON, AICP

Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location:	191 E. 23 rd Stre	et Application	on:	PA-04-48	
€				esidential care facility for the residence to accommodate	
SUBJECT PROPE	RTY:	SURROUND	SURROUNDING PROPERTY:		
Zone: R2-MD General Plan: Medium Density Residential Lot Dimensions: 60.5' x 135.08' Lot Area: 8,174 sq.ft. Existing Development: Single-family reside		East: West:	n: All surrounding properties are residentially		
DEVELOPMENT S Development Stan	STANDARD COMPARI	SON Required/A	<u>llowed</u>	Proposed/Provided	
Lot Size:		100 f		60.5 ft.* 8,174 sq.ft.*	
Lot Area Density: Zone General Plan		12,000 sq. ft. 1 du/3,630 sq. ft. 1 du/3,630 sq. ft.		1 du/8,174 sq.ft. 1 du/8,174 sq.ft.	
Building Coverag Buildings Paving	e:	N/A N/A		51% (4,173 sq.ft.) 6% (520 sq.ft.)	
Open Space TOTAL Building Height:	45.0+	40% (3,270 100% 2 stories/	27 ft.	43% (3,481 sq.ft.) 100% (8,174 sq.ft.) 2 stories/ 27 ft.	
Ratio of 2 nd floor Setbacks: Front		80% recomi		29% (1,197 sq.ft./4,173 sq.ft.) 20 ft.	
Side (left/right 2 nd Floor Side Rear (1 st floor	e (left/right)**	5 ft./5 10 ft. average re 10 ft./20	commended	5 ft./5 ft. 8 ft./8 ft.*** 23.5 ft./79 ft.	
Parking: Covered Open TOTAL***		N/A N/A N/A		3 3 6	
CEQA Status	Exempt, Class 3				

Final Action

Planning Commission

Existing nonconforming. Residential Design Guidelines. See discussion in staff report.

BACKGROUND/PROJECT DESCRIPTION

The subject property is located near the southwest corner of East 23rd Street and Orange Avenue. The property is zoned R2-MD (Multiple-Family Residential – Medium Density) with a General Plan designation of medium density residential. It is surrounded by residentially zoned and developed properties to the east, west, and south. The 2-acre property to the north (across East 23rd Street) is the former Calvary Church site. In April 2004, the Planning Commission approved a 25-unit, small lot, common interest development on that property which is currently under construction.

The applicant proposes to construct a 5,370 square foot (including garage) residence to facilitate a maximum 16-bed residential care facility for the elderly.

<u>ANALYSIS</u>

Per Costa Mesa Municipal Code Section 13-30, a residential care facility accommodating 7 or more people requires approval of a conditional use permit in the R2-MD zone.

The applicant proposes to build a home for 16 or fewer elderly residents with live-in caretakers. The facility will be an assisted living home licensed by the State of California Department of Social Services for seniors 65 years of age or older. The seniors will need assistance in their daily activities like bathing, dressing, and food preparation. The facility will have a total of 3 or 4 caretakers and a licensed nurse. Visiting hours will be from 10:30 a.m. to 4:30 p.m.

It is staff's opinion that the use will not negatively impact surrounding properties. The facility is designed as a single housekeeping unit and to resemble a single-family residence. The Zoning Code does not include a specific parking ratio for this type of use. Parking for residential care facilities are determined on a case-by-case basis. Parking impacts are not anticipated for the subject facility because the seniors who reside on the property will not be allowed to park at the facility. The maximum number of staff vehicles on the premises should not exceed 3 (2 caretakers and 1 nurse) at any given time because the caretakers work different shifts throughout the day. No more than 2 caretakers will stay at the facility overnight. A total of 6 parking spaces are proposed onsite (3 in the garage 3 on the driveway leading to the garage), which provides a minimum of 3 parking spaces for visitors at all times (staff will be required to park in the garage so the open driveway parking is available for guests). Consequently, it appears that adequate on-site parking is proposed for the facility. If the conditional use permit is approved, staff is recommending a number of conditions including limiting the number of staff members on-site at any given time, keeping all on-site parking spaces available for vehicle parking, requiring a land use restriction limiting the age of residents to 65 years or older, etc. to mitigate potential impacts on the neighborhood.

The City has two similar senior care facilities on multiple-family zoned properties. In 1992, the Planning Commission approved a maximum 15-bed facility with 5 parking spaces on 697 Plumer Street. In 1995, a maximum 14-bed facility with 4 parking spaces was approved for 1565 Wintergreen Place. Staff has checked Code Enforcement records and the facilities appear to be operating without problems in their neighborhoods.

The Police Department has also reviewed the application and has no objections to the use.

The proposed structure meets all applicable residential development standards and the residential design guidelines. There are many two-story residences in the area and the proposed structure is compatible in size, scale, and massing with existing and future structures in the vicinity. The second floor is less than 30% of the first floor and the structure incorporates projections and offsets to create an interesting building mass. The second floor side setbacks are 8 feet, although 10 feet is recommended. However, the setbacks are consistent with the prevailing character of other two-story residences in the same neighborhood. The second floor is set back further than the first floor in all directions to provide visual relief and interest.

ALTERNATIVES

If the application is denied, a residential care facility for the elderly could not be established and the 5,370 square foot, two-story residence could not be built on this property. An application for substantially the same project could not be submitted for 6 months. The existing residence can remain on the property or another residence be constructed after a separate Planning approval.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

The proposed construction satisfies all applicable Code requirements and residential design guidelines. Approval of the conditional use permit for a residential care facility for the elderly, subject to the proposed conditions, will not negatively impact the neighborhood. It is staff's opinion that the proposed structure as well as the use is compatible with residences in the vicinity.

Attachments: **Draft Planning Commission Resolution**

Exhibit "A" - Draft Findings

Exhibit "B" - Draft Conditions of Approval

Applicant's Project Description and Justification

Zoning/Location Map

Plans

CC: Deputy City Mgr.-Dev. Svs. Director Sr. Deputy City Attorney **Public Services Director** City Engineer Fire Protection Analyst Staff (4) File (2)



James Sutherland 26882 Highwood Circle Laguna Hills, CA 92653

Percy Torres 249 E. Wilson St. Costa Mesa, CA 92627

Steve Le Gere 2295 Orange Ave. Costa Mesa, CA 92627

RESOLUTION NO. PC-05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-04-48

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by James Sutherland, authorized agent for Percy Torres, with respect to the real property located at 191 East 23rd Street, requesting approval of a conditional use permit to construct a 5,370 sq.ft., maximum 16-bed residential care facility for the elderly, in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 11, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-04-48 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-04-48 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 11th day of April, 2005.

Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 11, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- The information presented substantially complies with section 13-29(g)(2) of the Α. Costa Mesa Municipal Code in that a residential care facility for the elderly is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. It will not allow a use, density or intensity which is not in accordance with the General Plan designation for the property. Specifically, the senior residential care facility is designed as a single housekeeping unit and resembles a single-family residence. The facility will be a quiet use that is compatible with the residentially zoned and developed properties in the vicinity. The proposed two-story structure complies with all applicable development standards and the residential design guidelines. The number of staff members allowed on-site at any given time will be limited and all parking spaces will be required to remain available for vehicle parking to mitigate potential parking impacts on the neiahborhood.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The project is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
 - e. The cumulative effects of all planning applications have been considered.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 - 2. The facility shall be limited to a maximum of 16 senior residents and a maximum of 3 staff members (including nurse) shall be permitted on the premises at any one time.
 - All 6 parking spaces (3 garage and 3 open on the driveway) shall remain available for vehicle parking. No space shall be used for storage of vehicles, recreational vehicles, equipment or any other miscellaneous storage.
 - 4. Staff shall park in the garage.
 - 5. Senior residents shall be prohibited from parking their own vehicles at the site.
 - 6. Minimum age of residents shall be 65 years. A Land Use Restriction, stating this age restriction for the proposed facility, shall be executed by and between the applicant and the City of Costa Mesa. The Land Use Restriction shall be recorded prior to the issuance of any building permits. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a Lot Book Report or current Title Report identifying the current legal property owner so that the document may be prepared.
 - 7. Visitor hours shall be limited to the hours between 10:30 a.m. and 4:30 p.m. daily.
 - 8. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 - The applicant shall contact AT&T/Broadband Cable Television of Costa Mesa at 200 Paularino, Costa Mesa, (888.255.5789) prior to issuance of

- building permits to arrange for pre-wiring for future cable communication service.
- 10. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
- 11. The conditions of approval and ordinance or code provisions and special district requirements of Design Review PA-04-48 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
- 12. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
- 13. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- 14. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
- Eng 15. At the time of development, maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
- Police 16. A list of security recommendations has been provided by the Police Department for the applicant's consideration.

COSTA MESA POLICE DEPARTMENT

MEMORANDUM

TO: Lt. Schuler

Planning Department

FROM: Sue Hupp

Crime Prevention Specialist

SUBJECT: PA-04-48, 191 E. 23rd Street

DATE: January 21, 2005

Addressing

The street address shall be 6" to 8" in height, visible from the street, of contrasting color to the background and illuminated during the hours of darkness.

Landscape

The plants, shrubs and trees surrounding the property shall be maintained at a level no higher than three feet and trees trimmed to allow visibility from the ground up to at least seven feet

Trash Enclosure

The plans did not indicate a trash enclosure. Since there will be a large amount of trash (due to 16 people living at one location), have arrangements been made for a bin to be placed at the location? If so, where will it be placed?

If there is a trash enclosure, it shall be just large enough to fit the trash bin and be gated. The enclosure shall provide a maintained minimum of one foot-candle of light on the surface during hours of darkness. The light source shall be controlled by a photocell device or time clock with an astronomic feature and be weather and vandal resistant.

SUF HIPP

Crime Prevention Specialist

CITY OF COSTA MESA PLANNING APPLICATION

PROJECT DESCRIPTION AND JUSTIFICATION

1)	Project Address: 191 East 23 rd Street					
2. .	Fully describe your request:					
	SEE HItached					
3.	Justification:					
	A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area. See Atachd					
	B. For a variance or Administrative Adjustment: On a separate sheet, describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.					
4.	This project is: (check where appropriate)					
	In a flood zoneIn the Redevelopment Area.					
	Subject to future street wideningIn a Specific Plan Area.					
	Includes a drive-through facility. (Special notice requirements, pursuant to GC Section 65091 (d))					
5.	I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:					
	ls not included in the publication indicated above.					
	ls included in the publication indicated above.					
<u>V</u> Sigr	12 18/23/04 Date					

Newport Heights Assisted Living

Because our seniors are living longer and the need for assisted living for our elderly is growing exponentially, we are looking to build a two story (licensed) home for 16 or fewer elderly residents with live-in caretakers. This will be an assisted living home licensed by the state of California Department of Social Services for seniors 65 and older. This home will be used for the elderly who are ambulatory and non-ambulatory with the purpose of serving their individual needs. We believe we have found here a quiet residential area which is suitable for their lifestyle. This home will be in a beautiful neighborhood where we will care for them for the rest of their lives. We are building this like a house because we want our seniors to experience a home environment so they don't feel as though they are in an institution. The entire inside of this structure will have the feeling and take on the appearance of a real home. This will make their transition from their own home much easier. The structure will be architecturally compatible with surrounding homes; wood-framed, stucco, composition shingles. As you can see by the drawing this will be a two-story house and will be similar to the other houses in the block. Landscaping will, likewise, take on the characteristics of the neighborhood, and include grass, patios and concrete walkways. Because they are frail, most exercise and outings will be monitored and supervised in the patio area of the home.

These seniors have physical needs and they will need assistance in their daily activities like bathing, dresssing, and food preparation. In most cases, these seniors will be 75-95 years of age. This care home will have 3 to 4 full time caregivers who will reside on the premise to assist in their daily routine. They will do the cooking and laundry and be available 24 hours a day for their physical care. There will also be a licensed nurse on premise during the day. She will manage the daily routine in the home and coordinate the efforts of our physicians, pharmacists and hospitals. This home will also be administered by a professional with a Phd in gerontology. She will provide expertise in the field to insure the smooth transition as our seniors adapt to the changes from their own home.

We are sensitive to parking as we have collectively 60 years in the residential care industry. None of our seniors are able to drive and they will not have any vehicles on premise. Under title 22 regulations for assisted living in residential homes, vehicles are prohibited. Our staff has the option of living in the facility but no more than two at night. So, there may be one

to three cars on premise. Two of the cars will be in the garage and our nurse will have a car during a normal work day. With a history of many years in this industry, families have been known to visit only occasionally and only for 10 to 15 minutes. In most cases, families rarely come to visit. Visiting hours will be from 10:30 a.m. to 4:30 p.m. If they need physician visits, our staff will provide transportaion or we can make arrangements by Senior Care Services. And sometimes family members will volunteer; and we will then provide a staff member to assist them. All physicians visits will be scheduled and are never more than one a day. Our elderly will usually do their activities on premise in the common area or the outside patio area. They rarely go out during the day. We feel a driveway and street side parking is sufficient. After hours no curbside parking will be used by our staff, as they will park in the driveway only, so essentially no cars will in the street at any night.

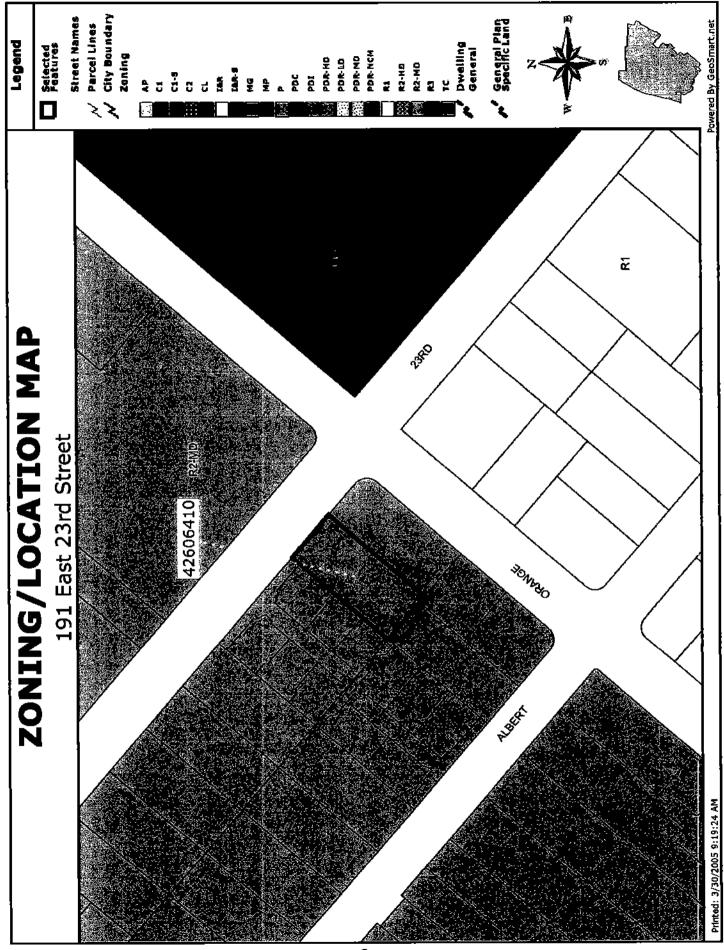
We feel we are building a home which is architecturally compatible to two story homes in the area. There will be minimal traffic during day light and no traffic in the evenings. The home will be quiet and respectful to the neighbors and will be a beautiful addition to the area.

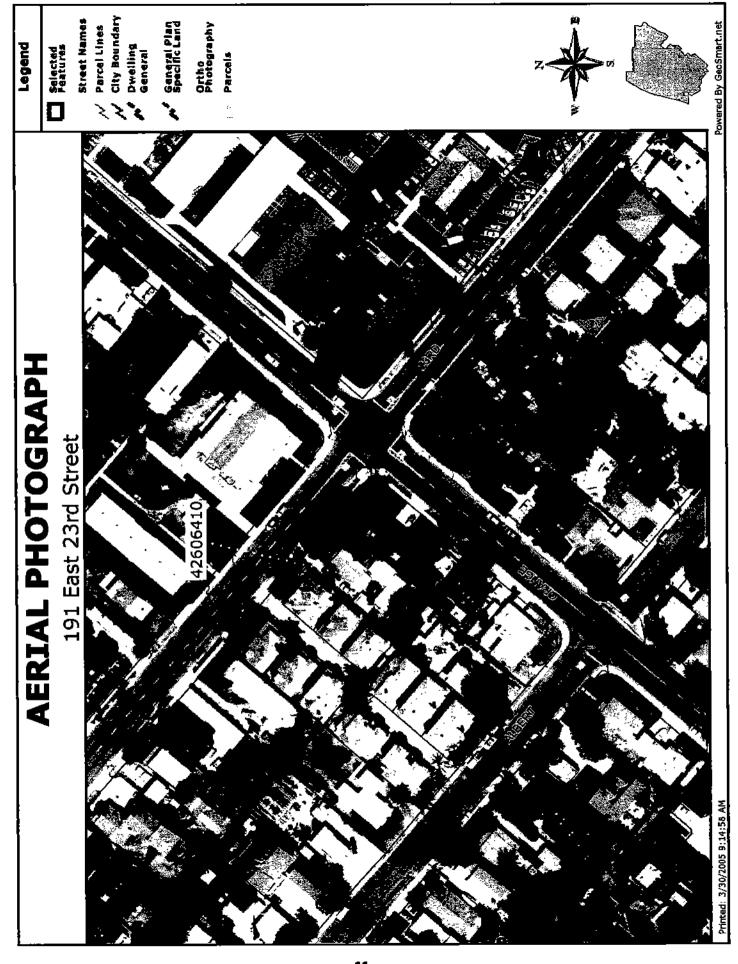
-This home will be licensed and monitored by the State of California Department of Licensing under Title 22 with all regulations applicable.

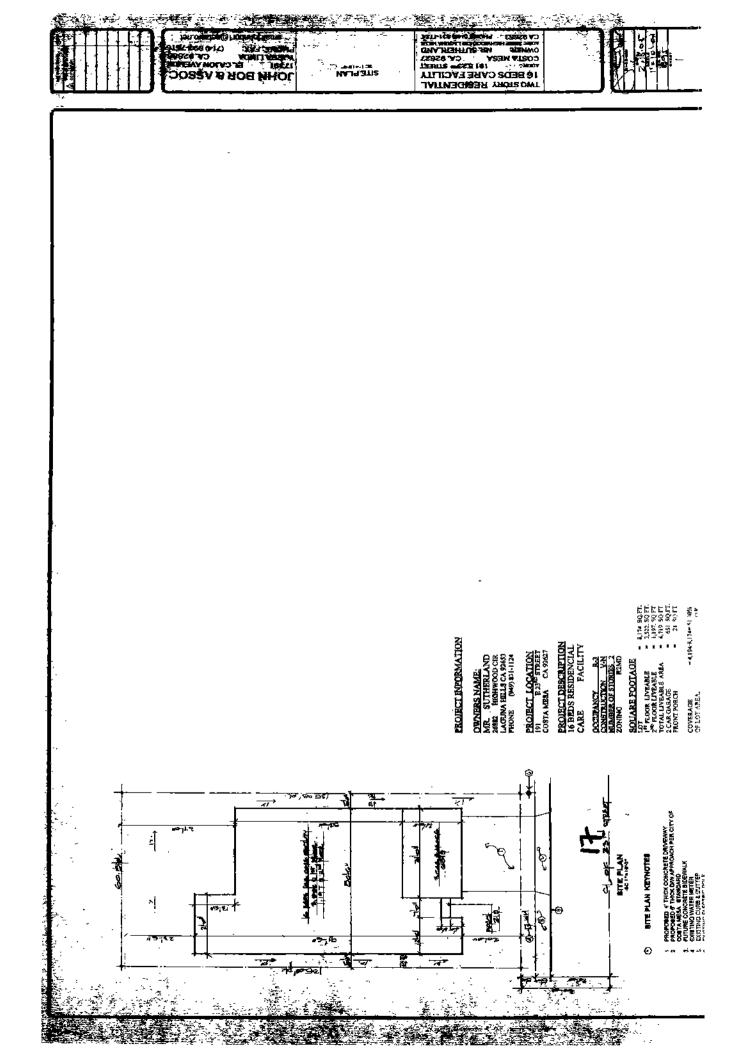
We sincerely hope to open our facility for our seniors on or before December 24th, 2005.

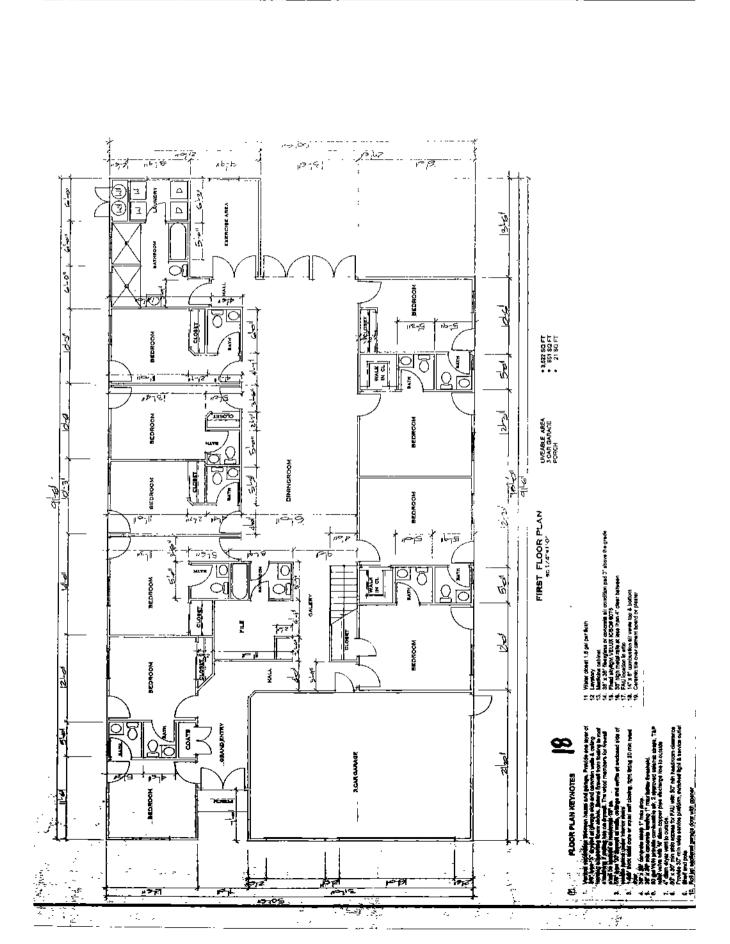
James Stherland

Owner/Administrator









TWO STORY RESIDENTIAL

OWNES MR. SUTREST

COSTA MESA CA. 250° STREET

COSTA MESA CA. 250° STREET

OWNES MR. SUTRESTAND

16 BEDS CARE FACILITY

16 BEDS CARE FACILITY

17 CA. 250° STREET

18 CA. 250° STREET

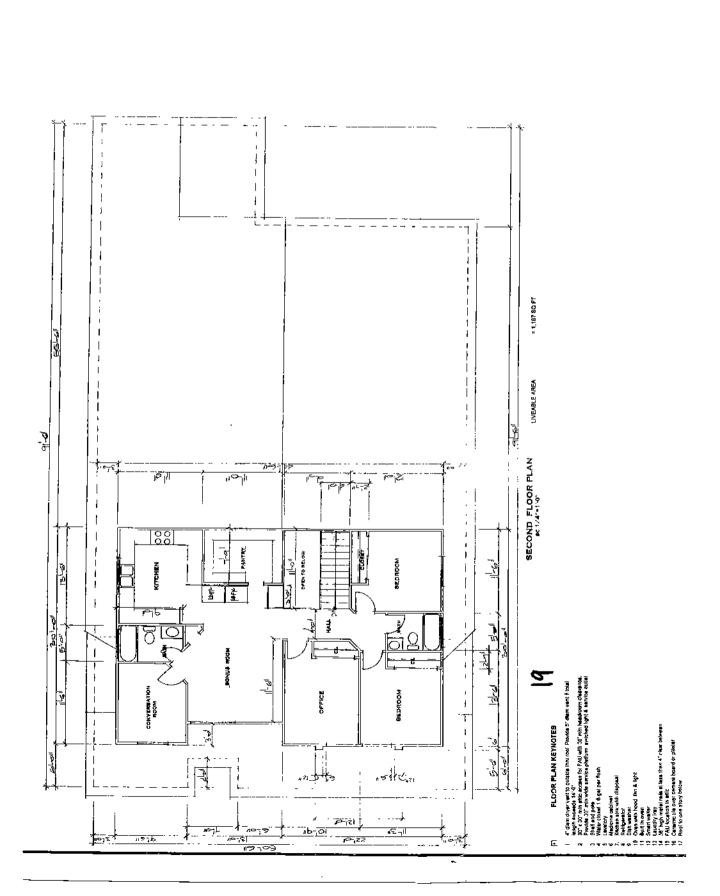
19 CA. 250° STREET

19 CA. 250° STREET

10 CA. 250° STREET

FIRST FLOOR PLAN

JOHN BOR & ASSOC.



CY SPEE3 LIFOURE OND #EIFLISH OWNER: WE'S PAULEBITH AND COT SPEED ON THE SPEED OWNER: 10 IE 5300 SLIGET OWN SLOWER LIFOUR LIFOUR

SECOND FLOOR PLAN

JOHN BOR & ASSOC, 170HN BOR & ASSOC, 17391 ELCAPON AVENUE PARC 1710 993-7616 HHONE; FAX 1710 993-7616 HHONE; FAX 1710 993-7616

